



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 846

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 846 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Care  
5 of Students with Diabetes Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds the following:

8 (1) Diabetes is a serious chronic disease that impairs  
9 the body's ability to use food for energy. In people with  
10 diabetes, either the pancreas does not make insulin (Type  
11 1) or their body cannot use insulin properly (Type 2).  
12 Without insulin, the body's main energy source, glucose,  
13 cannot be used to fuel the body, so glucose builds up in  
14 the blood, which can, over many years, cause damage to the  
15 eyes, kidneys, nerves, heart, and small blood vessels.

16 (2) Diabetes must be managed 24 hours a day in order to

1 (i) avoid the potentially life-threatening, short-term  
2 consequences of blood sugar levels that are too low and  
3 (ii) prevent or delay the serious complications of blood  
4 sugar levels that are too high for too long, which include  
5 blindness, amputation, heart disease, and kidney failure.

6 (3) Despite the rights and protections afforded by the  
7 Rehabilitation Act of 1973, the Individuals with  
8 Disabilities Education Improvement Act of 2004, and the  
9 Americans with Disabilities Act of 1990, children with  
10 diabetes still face discrimination in school and  
11 elsewhere.

12 (4) The rights and protections afforded by these  
13 federal laws are not implemented or enforced consistently  
14 in schools and school districts throughout Illinois.

15 (5) A school nurse is the most appropriate person in a  
16 school setting to provide care for a student with diabetes;  
17 however, a school nurse may not always be available when  
18 needed and many schools do not have a full-time nurse.

19 (6) Additional school employees must be trained to  
20 assist students with diabetes care. By collaborating with  
21 parents, schools and school districts can employ a team  
22 approach to the care of students with diabetes.

23 (7) Because consistent diabetes care can significantly  
24 reduce the risks of serious short-term and long-term  
25 consequences and can increase a student's learning  
26 opportunities, the General Assembly deems it in the public

1 interest to enact this Act.

2 Section 10. Definitions. In this Act:

3 "Designated diabetes care aide" means a school employee  
4 designated by the principal, including without limitation a  
5 teacher's aide, a personal aide, a case manager, or another  
6 volunteer school employee, who is trained in diabetes care and  
7 assists students with diabetes care.

8 "Diabetes medical management plan" means a document that  
9 sets out the services needed by the student at school and at  
10 school-sponsored activities.

11 "School" means any primary or secondary public, charter, or  
12 private school located in this State.

13 "Principal" means the senior administrative executive of a  
14 school and includes the principal's designee or designees.

15 "School employee" means a person who is employed by a  
16 public school district or private school, a person who is  
17 employed by a local health department and assigned to a school,  
18 or a person who contracts with a school or school district to  
19 perform services in connection with the care of students with  
20 diabetes.

21 "School nurse" means a school employee who is a registered  
22 nurse and who holds a valid Illinois nursing license.

23 Section 15. Diabetes medical management plan.

24 (a) A diabetes medical management plan must be signed and

1 submitted by a parent or guardian for any student with diabetes  
2 who seeks assistance with diabetes care in the school setting.  
3 The diabetes medical management plan must be accompanied by  
4 proof of diagnosis of diabetes and a prescription or  
5 prescriptions, including the name of the medication and the  
6 method of administration. Proof shall consist of a statement  
7 from a physician licensed to practice medicine in all its  
8 branches.

9 (b) The services and accommodations specified in a diabetes  
10 medical management plan shall be reasonable, reflect the  
11 current standards of diabetes care, and include appropriate  
12 safeguards to ensure that syringes and lancets are disposed of  
13 properly.

14 (c) A diabetes medical management plan must be submitted to  
15 the school at the following time:

16 (1) before or at the beginning of the school year;

17 (2) upon enrollment of a student with diabetes, if the  
18 student enrolls in the school after the beginning of the  
19 school year;

20 (3) as soon as practicable following a student's  
21 diagnosis; or

22 (4) when a student's care needs change during the  
23 school year.

24 (d) A school nurse or a designated diabetes care aide shall  
25 provide diabetes care for a student only after a student's  
26 parent or guardian (i) requests assistance and (ii) signs and

1 submits a diabetes medical management plan to the school.

2 Section 20. Designated diabetes care aides.

3 (a) Upon receipt of a student's completed and signed  
4 diabetes medical management plan and in the absence of a  
5 full-time school nurse, a school principal shall appoint a  
6 designated diabetes care aide to perform the tasks necessary to  
7 assist a student with diabetes in accordance with his or her  
8 diabetes medical management plan and in compliance with any  
9 guidelines provided during training under Section 25 of this  
10 Act.

11 (b) The principal shall ensure the school has at least one  
12 designated diabetes care aide or one full-time nurse assigned  
13 to the school and available during school hours.

14 (c) Designated diabetes care aides shall serve under the  
15 supervision of the principal.

16 (d) A school employee must not be subject to any penalty,  
17 sanction, or other disciplinary action for refusing to serve as  
18 a designated diabetes care aide.

19 Section 25. Training for designated diabetes care aides.

20 (a) If a school nurse is assigned to a school, the school  
21 nurse shall coordinate the training of designated diabetes care  
22 aides. If a school nurse is not assigned to a school, the  
23 principal shall coordinate the training of designated diabetes  
24 care aides.

1 (b) Training under this Section may be provided by the  
2 following:

3 (1) a licensed health care provider with expertise in  
4 diabetes;

5 (2) a school nurse, if he or she has recent and  
6 verifiable training in current standards of diabetes care;  
7 or

8 (3) the parent or guardian of a student with diabetes.

9 (c) Training must be provided before the beginning of the  
10 school year or as soon as practicable following (i) the  
11 enrollment of a student with diabetes, if no other student  
12 previously enrolled at the school has been diagnosed with  
13 diabetes, or (ii) a diagnosis of diabetes for a student  
14 enrolled at the school, if no other student enrolled at the  
15 school has been diagnosed with diabetes.

16 (d) Training must include all of the following:

17 (1) The details of a student's diabetes medical  
18 management plan.

19 (2) How to test blood glucose and record results.

20 (3) How to recognize and respond to the symptoms of  
21 hypoglycemia.

22 (4) How to recognize and respond to the symptoms of  
23 hyperglycemia.

24 (5) What to do in an emergency, including how to  
25 administer glucagon.

26 (6) How to prepare and administer insulin according to

1 the device identified in the student's diabetes medical  
2 management plan and keep a record of the amount  
3 administered.

4 (7) How carbohydrates, physical activity, and other  
5 factors affect blood glucose levels and how to respond when  
6 blood glucose levels are outside the target ranges  
7 specified in a student's diabetes medical management plan.

8 (e) Training must be provided annually and may be provided  
9 as part of in-service training.

10 (f) Training may be provided for other school employees who  
11 are not currently serving as designated diabetes care aides, at  
12 the discretion of the principal.

13 (g) The principal or school nurse, should one be assigned  
14 full-time to a school, shall maintain a copy of the training  
15 records.

16 Section 30. Independent monitoring and treatment. In  
17 accordance with a student's diabetes medical management plan, a  
18 student with diabetes must be permitted to do the following:

19 (1) perform blood glucose tests as needed;

20 (2) administer insulin with the insulin delivery  
21 system used by the student;

22 (3) treat hypoglycemia and hyperglycemia and otherwise  
23 attend to the care and management of his or her diabetes in  
24 the classroom, in any area of the school or school grounds,  
25 and at any school-related activity or event; and

1           (4) possess on his or her person, at all times, the  
2           supplies and equipment necessary to monitor and treat  
3           diabetes, including, but not limited to, glucometers,  
4           lancets, test strips, insulin, syringes, insulin pens and  
5           needle tips, insulin pumps, infusion sets, alcohol swabs, a  
6           glucagon injection kit, glucose tablets, and food.

7           Section 35. Required information for certain school  
8           employees. A school shall provide a one-page information sheet  
9           to each employee providing transportation for a student with  
10          diabetes or supervising a student with diabetes during a  
11          school-sponsored activity. The information sheet shall do the  
12          following:

13                 (1) identify the student with diabetes;

14                 (2) identify potential emergencies that may occur as a  
15                 result of the student's diabetes and the appropriate  
16                 responses to such emergencies; and

17                 (3) provide emergency contact information for the  
18                 student's parent or guardian.

19          Section 40. Restricting access to school prohibited. A  
20          school district may not restrict the assignment of a student  
21          with diabetes to a particular school on the basis that the  
22          school does not have a full-time school nurse or the required  
23          designated diabetes care aides, nor may a school deny access to  
24          a student on the basis that a student has been diagnosed with

1 diabetes.

2 Section 45. Civil immunity; prohibition against  
3 discipline.

4 (a) A school or a school employee is not liable for civil  
5 or other damages as a result of conduct, other than willful or  
6 wanton misconduct, related to the care of a student with  
7 diabetes.

8 (b) A school employee must not be subject to any  
9 disciplinary proceeding resulting from an action taken in  
10 compliance with this Act, unless the action constitutes willful  
11 or wanton misconduct, as long as the provisions of this Act are  
12 met.

13 Section 50. Federal law. Nothing in this Act shall limit  
14 any rights available under federal law.

15 Section 90. The State Mandates Act is amended by adding  
16 Section 8.31 as follows:

17 (30 ILCS 805/8.31 new)

18 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
19 of this Act, no reimbursement by the State is required for the  
20 implementation of any mandate created by the Care of Students  
21 with Diabetes Act.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".